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Lutz Rosenpflanze

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SCHWEGMAN, LUNDBERG & WOESSNER/SAP

P.O. BOX 2938

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**BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES**

Application Number: 10/607,102  
Filing Date: June 25, 2003  
Appellant(s): ROSENPFANZER ET AL.

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David Zurilla  
For Appellant

**EXAMINER'S ANSWER**

This is in response to the appeal brief filed 12/15/07 appealing from the Office action mailed 12/8/06.

**(1) Real Party in Interest**

A statement identifying by name the real party in interest is contained in the brief.

**(2) Related Appeals and Interferences**

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

**(3) Status of Claims**

The statement of the status of claims contained in the brief is correct.

**(4) Status of Amendments After Final**

No amendment after final has been filed.

**(5) Summary of Claimed Subject Matter**

The summary of claimed subject matter contained in the brief is correct.

**(6) Grounds of Rejection to be Reviewed on Appeal**

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

**WITHDRAWN REJECTIONS**

The following grounds of rejection are not presented for review on appeal because they have been withdrawn by the examiner. The rejection of claims 1 – 29 under 35 USC 101.

**(7) Claims Appendix**

The copy of the appealed claims contained in the Appendix to the brief is correct.

**(8) Evidence Relied Upon**

20020103881                      Granade et al.                      8-2002

W3C (XSLT [as cited by Applicant])

REEUWIJK (TM [as cited by Applicant])

GRAHAM ET AL. (Sigplan Symposium [as cited by Applicant])

**(9) Grounds of Rejection**

The following ground(s) of rejection are applicable to the appealed claims:

***Claim Rejections - 35 USC § 112***

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1 – 14 and 22 – 25 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Specifically, there is no support explicitly or implicitly for the claimed limitations “identifying a correspondence between the first representation and the second representation using a set of data processing activities performed in accordance with a first set of machine-readable instructions” and “representing the correspondence using the first set of data processing activities performed in accordance with the set of machine-readable instructions”. Applicant simply cites the Specification on p 9 at lines 3

– 5 as providing support. However, this citation simply discloses, “In mapping, the integration engine can identify and represent the correspondence between the customization settings, and hence the customization of data variable, in the first and second systems.” It does not disclose that the identifying and representing is performed “using a set of data processing activities performed in accordance with a first set of machine-readable instructions” as recited in claim 1.

Claims 1 – 14 and 22 – 25 are rejected under 35 U.S.C. 112, first paragraph, because the specification, while being enabling for “identifying and representing the correspondence between the customization settings, and hence the customization of data variable, in the first and second systems” (Specification, p 9, lines 3 – 5), does not reasonably provide enablement for “identifying and representing a correspondence between the first representation and the second representation using a set of data processing activities performed in accordance with a first set of machine-readable instructions” as recited in claim 1. The specification does not enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the invention commensurate in scope with these claims.

Specifically, claim 1 recites, “identifying and representing a correspondence between the first representation and the second representation using a set of data processing activities performed in accordance with a first set of machine-readable instructions”. It is unclear what a set of data processing activities is and how this set is used to identify and/or represent the correspondence. Applicant argues that support can be found in the Specification on p 9 at lines 3 – 5. However, this citation simply

discloses, “In mapping, the integration engine can identify and represent the correspondence between the customization settings, and hence the customization of data variable, in the first and second systems.” Consequently, it is unclear how this method step is to be carried out within the broadest, reasonable interpretation in light of the specification.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1 – 14 and 22 – 25 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Specifically, claim 1 recites, “identifying and representing a correspondence between the first representation and the second representation using a set of data processing activities performed in accordance with a set of machine-readable instructions”. It is unclear what a set of data processing activities is and how this set is used to identify and/or represent the correspondence. Applicant argues that support can be found in the Specification on p 9 at lines 3 – 5.

However, this citation simply discloses, “In mapping, the integration engine can identify and represent the correspondence between the customization settings, and hence the customization of data variable, in the first and second systems.” Consequently, it is unclear how this method step is to be carried out within the broadest, reasonable interpretation in light of the specification.

Further, there is no explicit and deliberate definition of “data processing activity” in the specification. Also, there is no intrinsic evidence provided by the disclosure to fairly convey to one of ordinary skill in the pertinent art how the claimed method steps, “identifying and representing a correspondence between the first representation and the second representation using a set of data processing activities performed in accordance with a set of machine-readable instructions”, should be reasonably interpreted within the broadest, reasonable interpretation in light of the specification.

Regarding claims 2 – 14 and 22 – 25, the claims are rejected for fully incorporating all the deficiencies of the base claim(s) from which they depend.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1 – 4, 7, 9 – 22 and 30 are rejected under 35 U.S.C. 102(e) as being anticipated by Granade et al. (US 20020103881 A1).

It should be noted that “data structure” has been interpreted as including a file. The basis for this interpretation can be found in the Specification on page 7 at lines 1 & 2, which states that examples of common data structures include files ... and objects.

**Regarding independent claim 1**, Granade et al. teach that Integration manager 202 receives requests in an intermediary language such as XML and then invokes a method in a language or format appropriate for the particular application on backend systems 102 (paragraph block 0042), which meets the limitation of **receiving information describing a first representation of data variable information in a first data structure in a first data processing system**. It should be noted that the mobile application platform (Fig 1.108) is equivalent to the claimed first data processing system, the XML file equivalent to the claimed first data structure, the contents of the XML file equivalent to the first representation of data variable information.

Granade et al. teach that for data communication, mobile presentation server 114 selects one of WML 310, HDML 312, HTML 314, or other data device adaptor 316 to transmit data information to a display associated with mobile device 106 (paragraph block 0046), which meets the limitation of **receiving information describing a second representation of the data variable information in the first data structure in a second data processing system**, since the mobile device will receive one of file formats WML, HDML, HTML, etc. making the mobile device equivalent to the claimed second data processing system, the file format equivalent to the claimed second data structure. The contents of the WML, HDML, or HTML file equivalent to the claimed second representation of the data variable information.

Granade et al. teach that Mobile application server 112 invokes methods on behalf of mobile devices 106 to access backend systems 102. The results from various



backend systems 102 are converted to an intermediary language compatible with XML and passed to mobile presentation server 114 for adaptation to the particular mobile device. Mobile presentation server 114 identifies the characteristics of the mobile device including display size and browser type and modifies the information for presentation on the mobile device in the most suitable format. For example, mobile presentation server 114 can modify the resolution of an image to fit the display of a particular mobile device (paragraph 0029), which meets the limitation of **mapping the first representation of the data variable information to the second representation of the data variable information, the mapping comprising: identifying a correspondence between the first representation and the second representation using a set of data processing activities performed in accordance with a first set of machine-readable instructions and representing the correspondence using the set of data processing activities performed in accordance with the first set of machine-readable instructions**. It should be noted that the XML is equivalent to the claimed first representation, the most suitable format equivalent to the claimed second representation, converting the XML into the most suitable format equivalent to the claimed mapping.

Further, it should be noted that converting from one file format to another necessarily requires mapping that includes identifying a correspondence between elements in each format. Also, in so far as can be understood based on the rejections under 35 USC 112 and relying on the regular and ordinary meaning in the art, the Office has interpreted “the identification of characteristics of the mobile device” to be

equivalent to the claimed “a set of **data processing activities**” and “the modifications to the information for presentation on the mobile device” to be equivalent to the claimed “a set of machine-readable instructions”.

Granade et al. teach that if the application in backend systems 102 does not offer multiple locales, an alternate implementation of the present invention translates information generated by the application into the locale selected for use on mobile devices 106. For example, this may include automatically translating the default language in the application into the language associated with the desired locale. This latter implementation may also automatically perform currency translations between a default currency used by the application and the currency in the desired locale (paragraph block 0038), which meets the limitations of **making the correspondence between the first representation and the second representation available for changing the first representation of the data variable information to the second representation of the data variable information.**

**Regarding dependent claim 2,** Granade et al. teach that if the application in backend systems 102 does not offer multiple locales, an alternate implementation of the present invention translates information generated by the application into the locale selected for use on mobile devices 106. For example, this may include automatically translating the default language in the application into the language associated with the desired locale. This latter implementation may also automatically perform currency translations between a default currency used by the application and the currency in the

desired locale (paragraph block 0038), which meets the limitations of **mapping the first representation to the second representation further comprises establishing a second set of machine-readable instructions for changing the first representation of the data variable information in the first data processing system to the second representation of the data variable information in the second data processing system and making the correspondence available comprises making the second set of machine readable instructions available.**

**Regarding dependent claim 3**, Granade et al. teach that Locale information provided to the application by localization component 210 specifies how to tailor information for a particular country, region or culture. In many applications a locale variable causes the application to generate information in a preferred language, currency, date/time format and other information peculiar to the geographic or cultural region (paragraph block 0037), which meets the limitation of **establishing the second set of machine-readable instructions comprises establishing a criterion for identifying the data variable in a first data structure**, since the information generated by the locale variable represents the content of the XML file, which is equivalent to the claimed first data structure as explained in the rejection of claim 1.

**Regarding dependent claim 4**, Grenade et al. teach that data dialog manager 218 is responsive to data compatible with XML and receives additional formatting control for displaying XML using style sheets compatible with Extensible Stylesheet

Language (XSL) (paragraph block 0041), which meets the limitation of **establishing the second set of machine-readable instructions comprises establishing an extensible stylesheet language (XSL) file that describes how to change the first representation of the data variable information.**

**Regarding dependent claim 7**, Granade et al. teach that Locale information provided to the application by localization component 210 specifies how to tailor information for a particular country, region or culture. In many applications a locale variable causes the application to generate information in a preferred language, currency, date/time format and other information peculiar to the geographic or cultural region (paragraph block 0037), which meets the limitation of **the machine-readable instructions comprises instructions for identifying the data variable in a data structure**, since the information generated by the locale variable represents the content of the XML file, which is equivalent to the claimed first data structure as explained in the rejection of claim 1.

**Regarding dependent claim 9**, Granade et al. teach that if the application in backend systems 102 does not offer multiple locales, an alternate implementation of the present invention translates information generated by the application into the locale selected for use on mobile devices 106. For example, this may include automatically translating the default language in the application into the language associated with the desired locale. This latter implementation may also automatically perform currency

translations between a default currency used by the application and the currency in the desired locale (paragraph block 0038), which meets the limitations of **changing the first representation of the data variable information in the data variable in the first data processing system to the second representation of the data variable information in the second data processing system using the correspondence between the first representation and the second representation.**

**Regarding dependent claim 10**, Granade et al. teach that Locale information provided to the application by localization component 210 specifies how to tailor information for a particular country, region or culture. In many applications a locale variable causes the application to generate information in a preferred language, currency, date/time format and other information peculiar to the geographic or cultural region (paragraph block 0037), which meets the limitation of **receiving a trigger for the mapping, the trigger identifying a data object class that includes the data variable.**

**Regarding dependent claim 11**, Granade et al. teach that FIG. 3 is a block diagram of mobile application presentation server 114 used by the system in FIG. 1 to properly present data and voice information to mobile devices 106. Mobile application presentation server 114 includes a universal device library (UDL) 302. Of course, the more accurately one can identify the features and capabilities of a mobile device then the more precisely and efficiently information can be presented. UDL 302 stores this

information (paragraph blocks 0043 & 0044), which meets the limitation of **storing results of the mapping in a collection of mapping results.**

**Regarding dependent claim 12**, Granade et al. teach that Mobile presentation server 114 selects the voice, data or voice and data device adaptors for presenting on mobile devices by analyzing a stream of data transmitted and received by the target mobile device. This locates an entry in UDL 302 that identifies voice and data capabilities of the mobile device. Depending on the voice device adaptor selected, a different voice dialog may be accessed and retrieved from application repository 116 (paragraph block 0045), which meets the limitation of **the information describing the first representation of data variable information comprises instructions for locating the information in the first data processing system.**

**Regarding dependent claim 13**, Granade et al. teach that Integration manager 202 receives requests in an intermediary language such as XML and then invokes a method in a language or format appropriate for the particular application on backend systems 102 (paragraph block 0042), which meets the limitation of **the information describing the first representation of data variable information comprises the first representation of data variable information.**

**Regarding dependent claim 14**, Granade et al. teach that a developer uses application builder 402 to create application metadata and other information describing

the interaction of an application in an intermediary language. Mobile application presentation server 114 in FIG. 3 uses this metadata and other information to create menus, forms, messages and other user-interface elements in a language appropriate for display on the target mobile device. The metadata provides mobile application presentation server 114 with abstract descriptions of the application operation and assists in generating platform specific code to display these elements on the mobile display (paragraph block 0048), which meets the limitation of **receiving instructions for data interfacing with the first data processing system; and adding the interfacing instructions to results of the mapping.**

**Regarding claims 15 – 21**, the claims incorporate substantially similar subject as claims 1, 2, 7, 9, 12, 13 and are rejected along the same rationale.

**Regarding dependent claims 22 – 29**, Granade et al. teach that if the application in backend systems 102 does not offer multiple locales, an alternate implementation of the present invention translates information generated by the application into the locale selected for use on mobile devices 106. For example, this may include automatically translating the default language in the application into the language associated with the desired locale. This latter implementation may also automatically perform currency translations between a default currency used by the application and the currency in the desired locale (paragraph block 0038), which meets the limitations of **the first representation specifies a language of the information in**

**the data variable; the first representation specifies a unit of the information in the data variable; the first representation specifies a notation of the information in the data variable; the first representation specifies a format of the information in the data variable.**

**Regarding dependent claim 30**, Granade et al. teach that Mobile application server processes data information from an intermediary language into an appropriate language for an application in backend systems. In one implementation, mobile application server receives information compatible with XML and performs transformations that make it compatible with one or more languages and/or protocols including Lightweight Directory Access Protocol (LDAP) (paragraph block 0066), which meet the limitation of **making the correspondence between the first representation and the second representation available comprises providing the correspondence in a directory of mapping information.**

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.



Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Granade et al. (US 20020103881 A1) as applied to claims 1, 2, and 7 above, and further in view of W3C (XSLT [as cited by Applicant]).

**Regarding dependent claim 8, Granade et al. do not explicitly teach the instructions for identifying the data variable comprise an Xpath expression for identifying an object of an object class that includes the data variable.**

However, it would have been obvious to one of ordinary skill in the art at the time of the invention to be well aware that if the data variable to be mapped is part of a larger data structure, it must be identified in that data structure. Also, in the context of XSL transformations (XSLT), the use of Xpath expressions is well-known to those of ordinary skill in the art as a way to achieve such functionality, as is further evidenced by W3C, which teaches that *XSLT makes use of the expression language defined by (XPath) for selecting elements for processing...*(page 4, paragraph 3), which meets the limitation of **the instructions for identifying the data variable comprise an Xpath expression for identifying an object of an object class that includes the data variable.**

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the invention of Granade et al. with that of W3C because such a combination would provide the users of Granade et al. with W3C's detailed recommendation, which specifies XSLT transformations.

Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Granade et al. (US 20020103881 A1) as applied to claims 1 and 2 above, and further in view of REEUWIJK (TM [as cited by Applicant]).

**Regarding dependent claim 5, Granade et al. do not explicitly teach establishing the second set of machine-readable instructions comprises: receiving a framework for instructions; and inserting instructions into the framework.**

However, REEUWIJK teach that *Tm code generation is based on templates: source texts for the target programming language interspersed with text-substitution and repetition commands for Tm* (page 900, lines 4-5) and that *Using the templates and the data-structure definitions, code can be generated ...* (page 900, line 12), which meets the limitations of **establishing the second set of machine-readable instructions comprises: receiving a framework for instructions; and inserting instructions into the framework.**

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the invention of Granade et al. with that of REEUWIJK because such a combination would provide the users of Granade et al. with a code generator for recursive data structure software.

Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Granade et al. (US 20020103881 A1) as applied to claims 1 and 2 above, and further in view of GRAHAM ET AL. (Sigplan Symposium [as cited by Applicant]).

**Regarding dependent claim 6, Granade et al. do not explicitly teach establishing the second set of machine-readable instructions comprises selecting a germane instruction for transforming first representation to the second representation from a collection of instructions for transforming the first representation to the second representation.**

However, GRAHAM ET AL. teach ... an approach to code generation in which instructions are selected by a pattern-matching process that chooses instructions from a table ... (page 32, lines 16-19), which meets the limitation of **establishing the second set of machine-readable instructions comprises selecting a germane instruction for transforming first representation to the second representation from a collection of instructions for transforming the first representation to the second representation.**

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the invention of Granade et al. with that of GRAHAM ET AL. because such a combination would provide the users of Granade et al. with table driven code generation.

#### **(10) Response to Argument**

In response to Applicant's arguments regarding the rejection of claim 1 under 35 USC 112, first paragraph for lacking written description (p 10 – 12).

The Office disagrees.

The Office does not fully grasp Applicant's logic regarding this argument. First, none of the claims recite an integration engine; therefore, whether or not it is indeed "self-evident" without explanation that the integration engine comprises a set of machine-readable instructions and performs a set of data processing activities is moot.

Second, the only support to which Applicant points for alleged support in the specification is the passage that states that the customization of a data variable clearly "tailors the representation of information in data variables to a specific purpose" (Specification, p 7, line 5-24).

Again, the Office does not fully follow Applicant's logic because in summary the passage cited by Applicant states that the customization of data tailors the representation of information in data variables to a specific purpose. For example, the format of data variables in a system may be tailored to meet the requirements of a particular country, a particular industry, a particular company, or a particular department or site in a company to accurately fulfill even specialized or localized needs. Examples of data customization include language customization, unit customization (e.g., metric versus English), format customization (e.g., month/day/year versus day/month/year), and notation customization (e.g., representing an employee's gender as male/female versus M/F versus 0/1).

It is not understood how this passage adequately supports the limitation of "identifying and representing a correspondence between the first representation and the second representation using a set of data processing activities performed in accordance with a set of machine-readable instructions".

Similarly, the Office maintains the rejection of the term a set of data processing activities under 35 USC 112, second paragraph for being indefinite as described above in the rejection of the claims under 35 USC 112, second paragraph.

In response to applicant arguments that Granade et al. do not teach **receiving information describing a first representation of data variable information in a first data structure in a first data processing system** and **receiving information describing a second representation of the data variable information in the first data structure in a second data processing system** there is no “second claimed data structure” (pp 14 – 18).

The Office disagrees.

First, it should be noted that there is no use of “said” in the claim to designate that the same data structure is being used. Second, the interpretation that applicant would like the office to utilize is very confusing and counterintuitive. It is not understood how the same data structure can be resident in two different systems simultaneously as proffered now by applicant. Third, two different representations of data constitutes different data structures. The skilled artisan would not follow the logic let alone interpretation that applicant is now trying to impose on the Office.

Further, the specification appears to support the interpretation of the Office. The specification states that the data structure can also be changed to a second data structure associated with the second system. Machine-readable instructions for changing the data variable from the first representation to the second representation

can be established (p 3, lines 10 – 12). The Specification continues to state that for example, a single map of two data structures can be joined with any number of maps of customization settings (p 4, lines 24 – 27).

There is no support in the specification for the interpretation applicant insists the claim dictates. When the specification describes the embodiment(s) that include a second system, the specification describes multiple data structures – at least two. Within the broadest reasonable interpretation in light of the specification, the claim does not require that the data structures be one in the same. In fact, if read in such a manner, then the claim introduces new matter not supported by the specification; consequently, resulting in a rejection under 35 USC 112, first paragraph.

In response to applicant arguments that Granade et al. do not teach **mapping the first representation of the data variable information to the second representation of the data variable information** because Granade et al. changes the information itself (pp 18 & 19).

The Office disagrees.

First, the limitations of exemplary claim 1 do not preclude the modification of the information itself. Second, by Applicant's own admission, Grande et al. teach modifying the resolution of an image (p 18). The Office does not fully follow how changing the resolution of an image does not change the representation of that image. Last, by applicant's own admission via citation of Granade, Granade et al. clearly teaches that the modifications occur to fit the display of a particular mobile device (p 18, last block

paragraph). The whole purpose of Granade et al. is to modify documents to fit the display of mobile devices thus changing the representation of information.

In response to Applicant's arguments that Granade et al. do not teach **mapping the first representation to the second representation further comprises establishing a second set of machine-readable instructions for changing the first representation of the data variable information in the first data processing system to the second representation of the data variable information** because Granade does not describe exactly how the translations that might utilize mapping actually translate (pp 19 – 20).

The Office disagrees.

It should be noted that since Granade teaches translating currencies among other things between multiple locales using backend systems, it is inherent that the invention of Granade is mapping representations. The currency alone is translated into the desired locale using a backend system, which necessitates mapping between values or representations (paragraph block 0038).

In response to applicant's arguments, the recitation(s) of claim 15 that alleged differs from those of claim 1 has not been given patentable weight because the recitation occurs in the preamble. A preamble is generally not accorded any patentable weight where it merely recites the purpose of a process or the intended use of a structure, and where the body of the claim does not depend on the preamble for

Art Unit: 2176

completeness but, instead, the process steps or structural limitations are able to stand alone. See *In re Hirao*, 535 F.2d 67, 190 USPQ 15 (CCPA 1976) and *Kropa v. Robie*, 187 F.2d 150, 152, 88 USPQ 478, 481 (CCPA 1951).

For the sake of argument (p 20), Granade clearly anticipates the preamble of claim 15 as illustrated in Figure 1.

**(11) Related Proceeding(s) Appendix**

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

/Nathan Hillery/

Examiner, Art Unit 2176

Conferees:

Doug Hutton

*/Doug Hutton/*

Doug Hutton  
Supervisory Primary Examiner  
Technology Center 2100

/Rachna Singh/  
Rachna Singh  
Primary Examiner, Art Unit 2176



